

AMENDED IN ASSEMBLY APRIL 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Gordon

February 4, 2013

An act to amend Section 47000 of, and to add Article 6 (commencing with Section 47060) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to agricultural products.

LEGISLATIVE COUNSEL’S DIGEST

AB 224, as amended, Gordon. Agricultural products: direct marketing: community-supported agriculture.

Existing law encourages the Department of Food and Agriculture to assist producers in organizing certified farmers’ markets, field retail stands, farm stands, and other forms of direct marketing by providing technical advice on marketing methods and in complying with the regulation that affects direct marketing programs.

~~This bill would also encourage the department to assist in organizing community-supported agriculture. The bill would define “California-grown box program,” “community-supported agriculture program,” “single-farm community-supported agriculture,” and “multifarm community-supported agriculture.”~~ *require certified California direct marketing producers that are a part of community-supported agriculture programs, as defined, to comply with specified requirements, including specifying whether the producer is part of a single-farm community-supported agriculture program or multifarm community-supported agriculture program, as those terms are defined, when registering with the department or a county agricultural commissioner as a certified California direct marketing*

producer. The bill would impose specified requirements relating to the labeling and maintenance of consumer boxes and containers that are used in community-supported agriculture programs to deliver farm products, and would require certified California direct marketing producers to maintain records of the contents and origin of all of the items included in each consumer box or container.

Under existing law, a violation of the provisions of this bill would be a crime. Because this bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47000 of the Food and Agricultural Code
- 2 is amended to read:
- 3 47000. The Legislature finds and declares all of the following
- 4 with regard to the direct marketing of agricultural products:
- 5 (a) Direct marketing of agricultural products benefits the
- 6 agricultural community and the consumer by, among other things,
- 7 providing an alternative method for growers to sell their products
- 8 while benefiting the consumer by supplying quality produce at
- 9 reasonable prices.
- 10 (b) Direct marketing is a good public relations tool for the
- 11 agricultural industry that brings the farmer face-to-face with
- 12 consumers.
- 13 (c) The marketing potential of a wide variety of
- 14 California-produced agricultural products should be maximized.
- 15 (d) Farm stands allow farmers to sell fresh produce and eggs
- 16 grown on their farm as well as other food products made with
- 17 ingredients produced on or near the farm, thus enhancing their
- 18 income and the local economy.

(e) The department should maintain a direct marketing program and the industry should continue to encourage the sale of California-grown fresh produce.

(f) It is the intent of the state to promote the consumption of California-grown produce and to promote access to California-produced agricultural products. Restaurants and nonprofit organizations can provide assistance in bringing California-grown products to all Californians.

(g) A regulatory scheme should be developed that provides the flexibility that will make direct marketing a viable marketing system.

(h) The department should assist producers in organizing certified farmers' markets, field retail stands, farm stands, community-supported agriculture, and other forms of direct marketing by providing technical advice on marketing methods and in complying with the regulations that affect direct marketing programs.

(i) The department is encouraged to establish an ad hoc advisory committee to assist the department in establishing regulations affecting direct marketing of products and to advise the secretary in all matters pertaining to direct marketing.

SEC. 2. Article 6 (commencing with Section 47060) is added to Chapter 10.5 of Division 17 of the Food and Agricultural Code, to read:

Article 6. Community-Supported Agriculture

47060. For purposes of this article, the following definitions shall apply:

~~(a) "California-grown box program" means a program under which a person or entity directly purchases and aggregates only from certified California direct marketing producers agricultural products or products of certified California direct marketing producers that have been processed in California in accordance with all applicable laws, and delivers those products to a membership or subscriber group of California consumers or end users who have paid for the products before they are shipped or transported for delivery.~~

~~(b)~~

1 (a) “Community-supported agriculture program” or “CSA
2 program” means a program under which a certified California
3 direct marketing producer, or a group of certified California direct
4 marketing producers, grow food for a group of California consumer
5 shareholders or subscribers who pledge; or contract to buy, on a
6 prepayment basis, a portion of the future crop, animal production,
7 or both, of a certified California direct marketing producer; or a
8 group of certified California direct marketing producers.

9 (e)

10 (b) “Single-farm community-supported agriculture” agriculture
11 program” means a program in which all delivered farm products
12 originate from the farm of one certified California direct marketing
13 producer.

14 (d)

15 (c) “Multifarm community-supported agriculture” agriculture
16 program” means a program in which all delivered farm products
17 originate from one or more farms of a group of certified California
18 direct marketing producers who declare their association as a group
19 at the time of their annual certification and all delivered farm
20 products originate from one or more of the farms of the group of
21 certified California direct marketing producers.

22 (d) “Farm” means a farm operated by a certified California
23 direct marketing producer or a group of certified California direct
24 marketing producers.

25 47061. (a) A certified California direct marketing producer
26 that markets whole produce, shell eggs, or processed foods through
27 a single-farm community-supported agriculture program or
28 multifarm community-supported agriculture program shall comply
29 with all of the following:

30 (1) Register annually with the department or a county
31 agricultural commissioner as a certified California direct
32 marketing producer, which shall include the following:

33 (A) Specifying whether the producer is part of a single-farm
34 community supported agriculture program or multifarm
35 community-supported agriculture program.

36 (B) Certification that the producer shall comply with on-farm
37 food safety good agricultural practices, as defined by the
38 department, in cooperation with the direct marketing producer
39 industry.

1 (2) *Label the consumer box or container used to deliver farm*
2 *products to the consumer with the name and address of the farm*
3 *delivering the box or container.*

4 (3) *Maintain the consumer boxes or containers in a condition*
5 *that prevents contamination.*

6 (4) *Inform consumers, either by including a printed list in the*
7 *consumer box or container or by delivering a list electronically*
8 *to the consumer, of the farm of origin of each item in the consumer*
9 *box or container.*

10 (5) *Maintain records that document the contents and origin of*
11 *all of the items included in each consumer box or container.*

12 (6) *Comply with all labeling and identification requirements*
13 *for shell eggs and processed foods imposed pursuant to the*
14 *provisions of the Health and Safety Code, including, but not limited*
15 *to, the farm's name, physical address, and telephone number.*

16 (b) *A certified California direct marketing producer that*
17 *complies with the registration and certification requirements*
18 *pursuant to paragraph (1) of subdivision (a) shall be deemed an*
19 *approved source, as defined in Section 113735 of the Health and*
20 *Safety Code.*

21 (c) *Nothing in this section shall be construed to remove the*
22 *responsibility of a community-supported agriculture program from*
23 *obtaining all required permits and licenses, including, but not*
24 *limited to, a produce handler license or a cottage food permit.*

25 SEC. 3. *No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *the only costs that may be incurred by a local agency or school*
28 *district will be incurred because this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*